

**Town of Kinderhook  
Planning Board Meeting  
April 18, 2013**

**Approved**

**Minutes**

The Meeting of the Town of Kinderhook Planning Board was held on Thursday, April 18, 2013 beginning at 7:03pm at the Kinderhook Town Hall, 4 Church Street, Niverville, NY. The meeting was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

**A. Roll Call**

Present:

Mary Keegan-Cavagnaro, Chairwoman  
Andy Howard, Attorney  
Patrick Prendergast, Engineer  
Chris Simonsen  
Daniel Weiller  
Peter Haemmerlein  
William Butcher  
Dale Berlin  
Jake Samascott  
Nataly Dee, Secretary

Excused:

Cheryl Gilbert  
Guy Rivenburgh

Absent:

None

Mr. Weiller was asked to join the Board.

**B. Correspondence**

1. Review of Minutes:

February 14, 2013: Workshop  
February 21, 2013: Meeting  
March 14, 2013: Workshop  
March 21, 2013: Meeting

Approval of Minutes will be held until next month pending further review and revision.

**C. Public Hearings**

1. 7:05pm - Melony Coons – Special Use Permit for change of use – 1445 Old Post Road, Valatie: former Finish, Special Use Permit for Beauty Salon and Child Care Center

Mr. Haemmerlein and Mr. Butcher recused themselves.

The notice as it appeared in the paper of record was read by the Secretary.

The applicant was invited to address the Board and public. They reviewed the proposed plans indicating that there are no changes intended to the exterior of the building. The existing sign will be updated to reflect the new businesses.

A Motion to open the Public Hearing was made by Mr. Samascott. Motion seconded by Mr. Simonsen. All in favor; motion carried. Hearing opened.

The Chairwoman invited the public to ask questions of the applicant.

Ms. Lorraine McTague inquired about the number of children the day care center would be able to accommodate. She was concerned about the potential noise factor associated with the potential endeavor.

The applicant stated that capacity is dependent on certification and regulations of the State. It was further noted that the business would initially care for infants primarily. They would eventually like to

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add playground equipment to the yard. The applicant reviewed the proposed hours of operation for both businesses. The applicant hopes to have the hair salon opened this summer with the child care center opening later.

A Motion to close the Public Hearing was made by Mr. Weiller. Motion seconded by Mr. Samascott. All in favor; motion carried. Hearing closed.

At this time the Board was invited to ask questions and comment on the project. Mr. Weiller broached the subject of making approval of the Special Use Permit be contingent upon or subject to licensure by the State. Applicant stated that she is required to have New York State licenses before the Building Department can issue Special Use Permits.

Part II: Impact Assessment of the EAF (Short Form Environmental Assessment) was reviewed by the Attorney. Proposed answers to the questions listed below were all negative.

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.4?

**Proposed answer is no.**

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.4?

**Proposed answer is no.**

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?

**Proposed answer is no.**

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

**Proposed answer is no.**

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

**Proposed answer is no.**

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

**Proposed answer is no.**

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

**Proposed answer is none.**

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

**Proposed answer is none.**

C7. Other impacts (including changes in use of either quantity or type of energy)?

**Proposed answer is none.**

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

**Proposed answer is no.**

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

**Proposed answer is no.**

If the Board was so inclined they could entertain a Motion to declare a Negative Declaration on this project.

A Motion to make a Negative Declaration was made by Mr. Weiller. Motion Seconded by Mr. Berlin. All in favor; motion carried. Declaration confirmed.

With that the Board could entertain action on the application subject to any conditions it would want to place upon approval.

A Motion that the project is complete and ready for approval was made by Mr. Simonsen. Motion seconded by Mr. Weiller. All in favor; motion carried. Application approved.

All fees have been paid by the applicant.

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The Chairwoman did note to the applicant and public that a Special Use Permit requires renewal from the Building Department every two years.

County Planning met on Tuesday, April 16, 2013. Recommendations from them had not been received as of meeting time. (Let the record note that subsequent to this meeting, County Planning did acknowledge review of the application and determined that decisions regarding the approval be held at the municipal level.)

**D. Old Business**

1. Drake Petroleum – Site Plan Review for Xtra Mart on Route 9, Valatie.

Matthew Bowe and Ron Fortune, representatives for the applicant, addressed the Board and distributed revised plans which were reviewed by the Board. It was noted that the dumpster and enclosure was moved further back as requested by the Board at the previous meeting. Additionally, a note was added to the plans indicating the type and color of the enclosure.

A Motion to set a Public Hearing for Thursday, May 16, 2013 at 7:05pm was made by Mr. Berlin. Motion Seconded by Mr. Simonsen. All in favor; motion carried. Hearing set.

A Motion to refer the project to County Planning was made by Mr. Samascott. Motion Seconded by Mr. Haemmerlein. All in favor; motion carried. Project will be referred to County Planning.

2. Laguesse – Site Plan Review – 3340 US Route 9

No one was in attendance to represent this application.

**E. New Business**

None

**F. ZBA Opinions**

None

**G. Liaisons**

1. Village Planning Boards: Noting to report at this time.
2. Town Board: Noting to report at this time.
3. Comprehensive Plan Review Committee: Has been referred to the Town Board.
4. NYSEG Project: Noting to report at this time.

**H. Other**

Public Comment

None

A Motion to adjourn the meeting was made by Mr. Berlin. Motion seconded by Mr. Simonsen. All in favor. Motion approved; Meeting adjourned at 7:40pm.

Respectfully Submitted,

Nataly Dee, Secretary